UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/654,733	WILLIAMS, EMRYS J.
	Examiner	Art Unit
	CHARLES C. AGWUMEZIE	3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 June 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-2, 4-10, 12-31, 33-37 and 39</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-2, 4-10, 12-31, 33-37 and 39</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>12/22/03</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   In view of the Applicant's argument filed on June 1, 2009, the **FINALITY** of the

office action mailed on March 30, 2009 is hereby **WITHDRAWN** and substituted by this

Non-FINAL office action.

Acknowledgments

2.   In view of the Applicant's argument claims 1-2, 4-10, 12-31, 33-37 and 39 remain

pending and have been examined.

Specification

3.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required:

        a.   "means for storing a set of multiple identifier..." as recited in claim 15

        b.   "means for selecting, for each of the plurality of transactions..." as recited

in claim 15.

        c.   "means for, creating, a respective transaction record..." ...as recited in

claim 15

        d.   "means for, storing a plurality of customer account records..." as recited in

claim 39.

     e.   "means for mapping identifier to corresponding account record…" as recited in claim 39

     f.   "means for accessing an identifier…" as recited in claim 39.

     g.   "means for accessing digital signature…" as recited in claim 39

     h.   "means for updating the customer account…" as recited in claim 39

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In **claim 15**, it unclear what is the corresponding structure (and the equivalents thereof) of the

     a.   "means for storing a set of multiple identifier…" as recited in claim 15

     b.   "means for selecting, for each of the plurality of transactions…" as recited in claim 15.

     c.   "means for, creating, a respective transaction record…" …as recited in claim 15

In **claim 39**, it unclear what is the corresponding structure (and the equivalents thereof) of the

     d.   "means for, storing a plurality of customer account records…" as recited in claim 39.

     e.   "means for mapping identifier to corresponding account record…" as recited in claim 39

f.   "means for accessing an identifier..." as recited in claim 39.

g.   "means for accessing digital signature..." as recited in claim 39

h.   "means for updating the customer account..." as recited in claim 39

Regarding all the means for" phrases, Applicant is again reminded, "For claim clauses containing functional limitation in 'means for' terms pursuant to § 112 ¶ 6, the claimed function and its supporting structure in the specification must be presented with sufficient particularity to satisfy the requirements of § 112 ¶ 2." *S3 Inc. v. nVIDIA corp.,* 259 F.3d 1364, 1367, 59USPQ2d 1745, 1747 (Fed. Cir. 2001) (citations omitted). In other words, "[f]ailure to describe adequately the necessary structure, material, or acts corresponding to a means-plus-function limitation in the written description means that the drafter has failed to comply with Section 112, Para. 2." *Atmel Corp. v. Information Storage Devices, Inc.,* 198 F.3d 1374, 1380 53USPQ2d 1225, 1229 (Fed. Cir. 1999) *citing In re Dossel,* 115 F.3d 942, 945, 42 USPQ2d 1881, 1884 (Fed. Cir. 1997).

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   <u>Claim 14</u>, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it would be unclear to one of ordinary skill in that art to understand the technical meaning of "limiting the number of transactions performed during a given period of time in order to prevent rapid readout of the

identifiers." How does the apparatus perform this operation in the first place? Is it when

the apparatus is being used or what or does the identifiers evaporate or melt?

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   **Claim 16, 30-31 and 33-35, 36-37 and 39**, are rejected under 35 U.S.C. 102(e)

as being anticipated by Flitcroft et al (hereinafter "Flitcroft") U.S. Patent No. 7,136,835

B1.

9.   As per **claim 16**, Flitcroft discloses an apparatus for use in making a transaction,

including:

non-volatile memory containing a set of multiple identifiers, wherein said multiple

identifiers are also known to an agency associated with the transaction (see figs. 3, and

4, which discloses master credit card number; see fig. 5, which discloses allocate

limited use numbers to the master credit card number step 504....print multiple numbers

on a single card step 506; col. 2, lines 25-30), and

a processor operable to randomly or pseudo-randomly select one identifier from

said set of multiple identifiers for use in any transaction (col. 5, lines 25-60, which

discloses that the limited use credit card number is provided wherein the limited use

credit card number is randomly chosen with respect to the master credit card

number...").

10.   As per **claim 30**, Flitcroft discloses a method of operating a computer account

system at an agency, the method comprising:

maintaining a plurality of customer accounts on the computer account system

(see figs. 1, 3, 5 and 9);

storing multiple sets of identifiers, wherein each said sets is associated with a

respective one of said customer accounts, wherein each of said sets comprises at least

two identifiers belonging to the set (see fig. 9, which discloses allocate additional credit

card numbers to the master credit card number);

receiving a request for a transaction on a customer account, wherein the request

comprises a digital signature generated by a transaction device associated with the

customer account (col. 19, lines 40-50);

verifying the digital signature (col. 19, lines 40-50);

accessing an identifier within the request (see fig. 9, which discloses access

account information),

from said multiple identifiers, determining a particular set of identifiers to which

the accessed identifiers belongs and from the determined particular set determining a

particular customer account for the transaction, wherein the particular customer account

is a customer account to which the particular set is associated (see fig. 8, which

discloses determine associated account numbers) and

    updating an account record of the particular customer account in respect of the

transaction

11.   As per **claim 31**, Flitcroft further discloses the method, wherein determining

which set of multiple identifiers the accessed identifier belongs to comprises accessing

an index that maps identifiers to corresponding account records (see fig. 8; col. 10, lines

1-20).

12.   As per **claim 33**, Flitcroft discloses the method, further comprising

    opening a new customer account by: creating a new account record for the new

customer account (see fig. 2, which discloses allocate new limited use cards; col. 6,

lines 30-50, which discloses allocated by the credit card provider to the customer for his

or her account; col. 7, lines 20-55; col. 14, lines 35-60), and

    storing a set of multiple identifiers associated with the new customer account into

the new account record (see fig. 9, which discloses allocate additional credit card

numbers to the master credit card number; col. 10, lines 1-20).

13.   As per **claim 34**, Flitcroft further discloses the method, further comprising:

generating the set of multiple identifiers associated with the new customer

account (col. 10, lines 28-55, which discloses a local card dispenser 128 can be

employed to generate a plurality of limited-use cards 132 and/or a master credit card

134 for delivery to a customer), and

transmitting the generated set of multiple identifiers to a customer transaction

device for use with the new customer account (col. 10, lines 28-55).

14.   As per **claim 35**, Flitcroft further discloses the method, further comprising

generating at least one cryptographic key for use in communications between the

computer account system and the customer transaction device (col. 2, lines 40-55).

15.   As per **claims 36 and 39**, Flitcroft discloses a computer account system at an

agency, said system comprising:

a plurality of customer account records, wherein each customer account record

incorporates a set of multiple identifiers associated therewith (see figs. 1, 3, 5 and 9),

and

a stored index that indicates a mapping of each of the sets of multiple identifiers

to corresponding account record of said plurality of stored customer account records

(see fig. 8; col. 10, lines 1-20),

wherein the system is configured to:

receive a request for a transaction on a customer account, wherein the request

comprises a digital signature generated by the transaction device associated with the

customer account (col. 19, lines 40-50);

access an identifier within the request, determine a particular set of multiple

identifiers to which the accessed identifier belongs, and determine the particular

customer account to which the accessed identifier belongs as specified by said index

(see fig. 8, which discloses determine associated account numbers; see fig. 9, which

discloses access account information) and

access the digital signature within the request and use a cryptographic key to

validate the digital signature (col. 19, lines 40-50).

16.   As per **claim 37**, Flitcroft further discloses the system, wherein the multiple

identifiers associated with a customer account record are unique to that account record

(col. 25, lines 40-55; col. 27, lines 35-60).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18. **Claims 1-2, 5, 7-10, 13, and 26, 28-29,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al U.S. Patent Application Publication No. 2006/0218098 A1 in view of Pitroda U.S. Patent Application No. 2005/0247777A1.

19. As per **claims 1, 9, and 26,** Walker et al discloses an Apparatus for use in transactions, comprising:

non-volatile memory containing a set of multiple identifiers associated with a same customer account, wherein said multiple identifiers are also known to an agency providing said customer account (fig. 1; 0025; 0026; "…plurality of predetermined single-use financial account identifiers…"), and

a processor operable to select for each of a plurality of transactions involving the same customer account, a different identifier from said set of multiple identifiers for use with the respective transaction (fig. 1; 0023; 0047; 0049; "…the encryption data changes for each use of the card so that … card number is different for each transaction…") and

a communications facility operable to communicate with a terminal (0004; …wireless connection…; 0047; cardholder transmits the single use number to merchant…;);

wherein the apparatus is operable to:

receive bill details for a given transaction of said plurality of transactions from the terminal through the communications facility,

generate a transaction record from the bill details, wherein the transaction record

includes a particular identifier selected by the processor from said set of multiple

identifiers; and

transmit the transaction record to the terminal through the communications

facility (figs. 3 and 4; 0045; 0047; "...transmits the single use number to the

merchant...").

20.   What Walker et al does not explicitly disclose is:

wherein the apparatus is operable to:

receive bill details for a given transaction of said plurality of transactions from the

terminal through the communications facility,

generate a transaction record from the bill details, wherein the transaction record

includes a particular identifier selected by the processor from said set of multiple

identifiers; and

transmit the transaction record to the terminal through the communications

facility.

21.   Pitroda discloses an apparatus for use in transaction comprising:

receive bill details for a given transaction of said plurality of transactions from the

terminal through the communications facility (0089, which discloses that the point of

sales computer will download and display the transaction details, as shown in FIG. 16,

and transmit the transaction information into the memory of the UET card, on which the

transaction information may be displayed for visual verification by the customer; 0100);

generate a transaction record from the bill details, wherein the transaction record

includes a particular identifier selected by the processor from said set of multiple

identifiers (0089; 0100, which discloses "transmits completed details of the sales

transaction to the point of sales computer, the UET card, and the American Express

service... the details include the date of the transaction, the amount, the name of the

retail store or service (for the UET card and the American Express service records), the

name of the customer (for the American Express and point of sales computers); and

transmit the transaction record to the terminal through the communications

facility (0100, which discloses transmits completed details of the sales transaction to the

point of sales computer).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker et al and incorporate the

apparatus, wherein the apparatus is operable to: receive bill details for a given

transaction of said plurality of transactions from the terminal through the

communications facility, generate a transaction record from the bill details, wherein the

transaction record includes a particular identifier selected by the processor from said set

of multiple identifiers; and transmit the transaction record to the terminal through the

communications facility in view of the teachings of Pitroda in order to facilitate

transaction and ensure record keeping and tracking.

22.   As per **claim 2, and 10**, Walker et al further discloses the apparatus, wherein

each of the identifiers in said set of multiple identifiers is allocated by the agency

uniquely to the apparatus (figs. 1 and 10; 0049; 0093; "...instructing card holder to

obtain a new device with list of single-use credit card numbers...").

23.   As per **claim 5 and 13**, Walker et al further discloses the apparatus, wherein

the transaction record is encrypted (0009; 0023).

24.   As per **claim 7**, Walker et al further discloses the apparatus, wherein said

apparatus is operable to engage a first class of terminals external to the apparatus for

making a transaction, and a second class of terminals external to the apparatus to enter

or to update account information stored in the non-volatile memory (fig. 3 and 4; 0093).

25.   As per **claim 8**, Walker et al failed to explicitly disclose the apparatus, further

comprising first and second power circuits that are activated by said first and second

class of terminals respectively, wherein activation of said second power circuit does not

allow account information to be entered or updated in at least certain portions of said

non-volatile memory.

        Pitroda discloses the apparatus, further comprising first and second power

circuits that are activated by said first and second class of terminals respectively,

wherein activation of said second power circuit does not allow account information to be

entered or updated in at least certain portions of said non-volatile memory (see figs. 3;

0014).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, further comprising first and second power circuits that are activated by said first and second class of terminals respectively, wherein activation of said second power circuit does not allow account information to be entered or updated in at least certain portions of said non-volatile memory in view of the teachings of Pitroda in order to ensure sufficient power for the maximum operation of the device.

26.   As per **claim 28**, Walker further discloses the method, wherein the transaction device is associated with a customer account, and wherein said multiple identifiers are also known to an agency providing said customer account, but failed to explicitly disclose the method further comprising:

transmitting the transaction record from the terminal to an agency computer;

accessing an account record for the customer account based on the selected identifier included in the transaction record;

validating the transaction and

updating the account record in respect of the validated transaction.

Pitroda discloses the method further comprising:

transmitting the transaction record from the terminal to an agency computer (0100, which discloses the CIU transmits completed details of the sales transaction to the point of sales computer, the UET card, and the American Express service);

accessing an account record for the customer account based on the selected

identifier included in the transaction record (0100);

validating the transaction (0099; 0100) and

updating the account record in respect of the validated transaction (0099; 0100).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker et al and incorporate the

apparatus comprising, transmitting the transaction record from the terminal to an

agency computer; accessing an account record for the customer account based on the

selected identifier included in the transaction record; validating the transaction and

updating the account record in respect of the validated transaction in view of the

teachings of Pitroda in order to facilitate transaction and ensure adequate security

27. As per **claim 29**, Walker failed to explicitly disclose the method, wherein prior to

transmitting the transaction record from the terminal to the agency computer, the

terminal incorporates its own copy of the bill into the transaction record.

Pitroda discloses the method, wherein prior to transmitting the transaction record

from the terminal to the agency computer, the terminal incorporates its own copy of the

bill into the transaction record (0089; 0100).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker and incorporate the method,

wherein prior to transmitting the transaction record from the terminal to the agency

computer, the terminal incorporates its own copy of the bill into the transaction record in

view of the teachings of Pitroda in order to ensure accurate recording of the transaction while avoiding errors.

28. **Claims 4, 12 and 27,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et at U.S. Patent Application Publication No. 2006/0218098 A1 in view of Pitroda U.S. Patent Application No. 2005/0247777A1and further in view of Carlisle et al U.S. Patent No. 5,649,118.

29. As per **claims 4, 12 and 27**, both Walker et al and Pitroda failed to explicitly disclose the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory.

Carlisle et al discloses the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory (col. 8, lines 15-65).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory in view of the teachings of Carlisle in order to ensure adequate security.

30. **Claims 6,** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et at U.S. Patent Application Publication No. 2006/0218098 A1 in view of Pitroda U.S.

Patent Application No. 2005/0247777A1and further in view of Palomo et al U.S. Patent

Publication No. 2003/0120527 A1.

31. As per **claim 6**, both Walker et al and Pitroda failed to explicitly disclose the

apparatus, wherein said apparatus is provided within inert packaging to allow

implantation into the human body.

Palomo et al discloses the apparatus, wherein said apparatus is provided within

inert packaging to allow implantation into the human body (0025, which discloses that

'741 patent describes a computer system and method for storage of individual medical

histories … the size of which is that of a credit card including the possibility of implanting

the storage device under the skin of the patient's upper torso).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker et al and incorporate the

apparatus, wherein said apparatus is provided within inert packaging to allow

implantation into the human body as taught by Palomo et al in order to ensure adequate

security.

32. **Claims 17-23 and 25,** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Flitcroft et al (hereinafter "Flitcroft") U.S. Patent No. 7,136,835 B1 in

view of Carlisle et al (hereinafter "Carlisle") U.S. Patent No. 5,649,118.

33. As per **claims 15 and 17**, Flitcroft discloses a method comprising:

opening an account record in an agency computer system, wherein said agency

is to provide the account (see fig. 2, which discloses allocate new limited use cards; col.

6, lines 30-50, which discloses allocated by the credit card provider to the customer for

his or her account; col. 7, lines 20-55; col. 14, lines 35-60)

generating a set of multiple identifiers to be used for transactions on the account

(col. 10, lines 28-55, which discloses a local card dispenser 128 can be employed to

generate a plurality of limited-use cards 132 and/or a master credit card 134 for delivery

to a customer),

storing the set of multiple identifiers in the agency computer system (see fig. 3,

which discloses generate database of available credit card numbers), and

storing the set of multiple identifiers on a portable transaction device (col. 10,

lines 28-55, which discloses Instead of the personal computer 104, the numbers can be

downloaded to a user's smart card though an appropriate interface. In a fourth

embodiment, the single-use credit card numbers can be downloaded to a radio unit 140

(such as a portable telephone) via wireless communication);

receiving a transaction record comprising a digital signature from the portable

transaction device (col. 21, lines 5-15);

What Flitcroft does not explicitly disclose is:

receiving a public key from the portable transaction device;

and

decrypting and validating the digital signature with the public key.

34.   Carlisle discloses the method comprising:

receiving a public key from the portable transaction device (col. 8, lines 15-65);

and

decrypting and validating the digital signature with the public key (col. 12, lines

50-65, which discloses deciphers the digital signature using the provided public key...).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Flotcroft and incorporate the method,

comprising receiving a public key from the portable transaction device; and decrypting

and validating the digital signature with the public key in view of the teachings of

Carlisle, in order to ensure adequate security.

35.   As per **claim 18**, Flitcroft further discloses the method, wherein the identifiers are

unique to the account for the agency (col. 25, lines 40-55; col. 27, lines 35-60).

36.   As per **claim 19**, Flitcroft further discloses the method further comprising adding

the identifiers to an index, wherein said index maps from an identifier to the

corresponding account (col. 10, lines 1-20).

37.   As per **claim 20,** Flitcroft further discloses the method wherein the multiple

identifiers are a subset of identifiers selected from a larger set of possible identifiers

(col. 27, lines 35-60)

38.   As per **claim 21**, Flitcroft further discloses the method wherein the identifier

within said set of multiple identifiers are unrelated to one another (col. 27, lines 35-60)

39.   As per **claim 22**, Flitcroft further discloses the method, wherein the identifiers are

generated on the agency computer system, and are transmitted to the portable

transaction device for storage thereon (col. 10, lines 25-55).

40.   As per **claim 23**, Flitcroft further discloses the method further comprising

generating at least one cryptographic key for use with the account (col. 2, lines 40-55).

41.   As per **claim 25**, Flitcroft further discloses the method, further comprising

establishing an identity of a person who is to hold the account prior to opening the

account (see fig. 5).

42.   **Claim 24, is** rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft

et al (hereinafter "Flitcroft") U.S. Patent No. 7,136,835 B1 in view of Carlisle et al

(hereinafter "Carlisle") U.S. Patent No. 5,649,118 and further in view of Bahar U.S.

Patent Application Publication No. 2005/0001027 A1.

43.   As per **claim 24**, both Flitcroft and Carlisle failed to explicitly disclose the method

further comprising making a prepayment onto the account prior to using the account for

transactions.

Bahar discloses the method, further comprising making a prepayment onto the

account prior to using the account for transactions (0035, which discloses adding value

to the smart card…and using the smart card to prepay telecommunication services…).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Flitcroft and incorporate the method,

further comprising making a prepayment onto the account prior to using the account for

transactions in view of the teachings of Bahar, in order to facilitate the transaction.

Conclusion

44.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Charles C.L. Agwumezie** whose number is **(571) 272-**

6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

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Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
July 17, 2009